

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, SEPTEMBER 12, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Hayden Beckman, Rami Talleh, Pamela Avila (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: TEMPORARY USE PERMIT NO. 07-004 (STS. SIMON & JUDE CHURCH FESTIVAL)

APPLICANT: Jim Parker, 20444 Magnolia Street, Huntington Beach, CA 92646

PROPERTY OWNER: Roman Catholic Bishop of Orange, 20444 Magnolia Street, Huntington Beach, CA 92646

REQUEST: To permit an annual church festival for three days during the month of October for a five year period (2007-2011). The event will include live entertainment, food and alcohol sales, crafts, games, and carnival rides.

LOCATION: 20444 Magnolia Street, 92646 (northeast corner of Indianapolis Avenue and Magnolia Street – Sts. Simon & Jude Church)

PROJECT PLANNER: Hayden Beckman

Hayden Beckman, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project, surrounding uses, and the suggested findings and conditions of approval as presented in the executive summary. Staff stated that the property is surrounded on all sides by residential areas.

Staff recommended approval of the request. Staff stated that no inquiries were made at the Zoning Counter and no other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, explained the procedures for comments during the hearing.

THE PUBLIC HEARING WAS OPENED.

Mr. Jimmy Huang, adjacent neighbor to the property, spoke in opposition to the temporary event. Mr. Huang's major concerns were lack of parking for his guests on the street, his driveway being blocked by visitors to the event, the closeness of vendors on the opposite side of his backyard wall, trash and debris left on the public street, and the sale of alcoholic beverages. Mr. Huang requested that parking on his street be blocked off during said event. He further requested that vendors be moved further away from his property. Mr. Huang urged Ms. Broeren, the Zoning Administrator, to resolve these issues before approving said event. Mr. Huang further stated that he has lived in his home for 30 years.

Ms. Broeren encouraged Mr. Huang to directly engage in discussions concerning these issues with church officials and further stated that if Mr. Huang's driveway was blocked, he was within his legal rights to contact the Huntington Beach Police Department (HBPD). She further stated that this is the first time these issues were brought to the Zoning Administrator's attention. Ms. Broeren encouraged Mr. Huang to speak directly to the Church. The Church was interested in talking to him as they control the use of property. The vendors respond to the Church's requirements. Ms. Broeren also added that there is a condition of approval imposed on the project requiring the removal of trash and debris from the surrounding streets.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Jim Parker, the applicant, stated that parishioners will ensure an orderly event by monitoring the guests and overseeing the consumption of alcohol. Ms. Broeren stated that alcohol sales could be cut off one hour earlier but did not make it a condition for approval.

Staff stated that there has been no history of complaints from Code Enforcement regarding this event. Staff further stated that temporary restroom facilities were available on church property.

TEMPORARY USE PERMIT NO. 2007-004 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because the minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc. is exempt from further environmental review.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2007-004:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The event is temporary in nature, compatible with surrounding uses, and consistent with the following Land Use Policies:

- LU 7.1 Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents.
- LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.
- N 1.8.1 Require that entertainment and restaurant/bar uses take appropriate steps to control the activities of their patrons on-site, as well as within a reasonable and legally justified distance or proximity, to minimize potential noise-related impacts on adjacent residential neighborhoods.

Temporary Use Permit 07-004 includes conditions of approval regulating the location of event facilities on site, the hours of general operation and entertainment

- 2. Approval of the application for an annual church festival for three days during the month of October for a five year period (2007-2011) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Temporary structures such as booths and rides will be removed upon completion of the event. The temporary festival will not alter any existing property in the area.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2007-004:

- 1. The site plan received and dated July 5, 2007 shall be the conceptually approved design.
- 2. Prior to the commencement of the festival, the following shall be completed:
 - a. The applicant shall obtain clearance from the Public Liability Claims Coordinator, Administrative Services Department, and/or shall provide a Certificate of Insurance and Hold Harmless Agreement to be executed at least five (5) days prior to the event.
 - b. Prior to operation of any equipment used in conjunction with the amusement rides, the City shall be in receipt of State Certification and permits showing inspection within a one (1) year period, stating that the rides meet all requirements of the State Industrial Safety Division.
 - c. The applicant shall request a Code Enforcement Section inspection of the site for compliance with conditions of approval prior to 10:00 AM on opening day.
 - d. During all church services and events, an announcement shall be made to parishioners requesting that they refrain from parking on neighborhood streets.
- 3. The use shall comply with the following:
 - a. Hours of operation shall be consistent with the applicant's request:

	<u>OPEN</u>	<u>RIDES CLOSE</u>	<u>CLOSE FOOD/ BEVERAGES/GAMES</u>
Friday	5:00 PM	10:00 PM	11:00 PM
Saturday	12:00 PM	10:00 PM	11:00 PM
Sunday	12:00 PM	8:00 PM	9:00 PM

- b. A minimum of 10 days prior to the commencement of the festival, the applicant shall submit to the Planning Department an outline describing a security plan and implementation procedure during the event including the number of security staff, shift hours and staff responsibilities for review and approval by the Planning Department and Police Department.
 - c. Beer and wine consumption shall be limited to an area for adults which shall be roped off and controlled by Church personnel.
 - d. All machinery, except the refrigeration truck, shall be turned off between the hours of 10:00 PM and 8:00 AM.
 - e. If a refrigeration truck is provided, it shall be placed as far away from the residential properties as possible to minimize noise.
 - f. Use of amplifiers, speakers, musical instruments and playing of recorded music shall be limited to the tent area and shall be discontinued as of 10:00 PM each evening. Speakers shall not be directed toward any housing area.
 - g. Breakdown of stands, equipment, apparatus and rides shall be prohibited after 10:00 PM and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.
 - h. The applicant shall provide for clean-up of areas after the closing of the event. Clean-up of the site after 10:00 PM shall not include the use of any machinery or equipment that may disturb the residents in the area. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site within two (2) days of closing of the event.
 - i. The applicant shall provide professional clean-up crews to clear the adjacent streets of trash and debris each evening after the festival closes. Clean-up shall not commence prior to 7:00 AM each morning.
4. All Alcoholic Beverage Control requirements shall be met.
 5. Sts. Simon & Jude Church personnel shall provide direction of traffic and on-site parking.
 6. Church personnel shall monitor parking lots. When parking lots become full, a "lot full" sign shall be placed at the entrance to the parking lots.
 7. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the festival activity may be terminated by any Police Officer, Fire Inspector or authorized personnel from the Department of Planning.

8. Requests for subsequent festival shall be made no later than sixty (60) days prior to the event, with review and public hearing by the Zoning Administrator. The Zoning Administrator shall review and evaluate past events for compliance with all conditions of approval and determine the need for new or modification of conditions of approval. The Zoning Administrator may approve, conditionally approve or deny such requests.
9. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing of any changes to the event. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
10. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:50 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, SEPTEMBER 19, 2007 AT 1:30 PM.


Mary Beth Broeren
Zoning Administrator

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